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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

Filed
 MAR 16 2010

13	UNITED STATES OF AMERICA,)	No. CR 99-00129 PVT
14	Plaintiff,)	GOVERNMENT'S REQUEST TO DISMISS
15	v.)	COMPLAINT AND RECALL BENCH
16	MICHAEL DINO LUCERO PALMA,)	WARRANT; ORDER [PROPOSED]
17	Defendant.)	

18
 19 COMES NOW THE UNITED STATES OF AMERICA appearing through the undersigned
 20 Assistant United States Attorney and moves this Honorable Court for an order dismissing the above-
 21 captioned Complaint and recalling the arrest warrant. The facts supporting this request are as
 22 follows:

23 Defendant Palma was charged by Complaint on May 3, 1999, charging him with Unlawful
 24 Flight to Avoid Prosecution, in violation of 18 U.S.C. § 1073. Palma was wanted for attempted
 25 murder, based on an arrest warrant from the Santa Clara County Superior Court. He failed to appear
 26 after having been charged, and reportedly fled to the Philippines. Subsequently, Palma's family
 27 attempted to mislead the Superior Court by submitting a fraudulent death certificate stating that the
 28 defendant had drowned.

CJF
 Request to Dismiss Complaint; Order

1 After the federal complaint was issued, the Federal Bureau of Investigation was able to
2 determine where Palma was living in the Philippines. For various reasons, however, the Santa Clara
3 County District Attorney has decided not to seek a Provisional Arrest Warrant for his extradition
4 to the United States. Accordingly, there is no longer any need for federal assistance in this matter.

5 Accordingly, the government respectfully requests that the above-captioned Complaint be
6 dismissed and the arrest warrant recalled.

7 DATED: March 15, 2010

8 Respectfully submitted,

9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 /S/

12 DAVID R. CALLAWAY
13 Assistant United States Attorney

14

15 **ORDER**

16 Upon application of the United States, and good cause having been shown therefor,

17 **IT IS HEREBY ORDERED** that the above-captioned Complaint is DISMISSED, and

18 the arrest warrant issued thereon RECALLED.

19 *Patricia V. Trumbull*
20 PATRICIA V. TRUMBULL
21 United States Magistrate Judge

22 3/15/2010